

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

BRAD R. JOHNSON AN AND  
ELCI WIJAYANINGSIH

Plaintiffs,

v.

ABBY POPE, ELIZABETH BILETH,  
WINFORD BARR, THOMAS G. WALKER,  
JONATHAN D. CARROLL, AND  
UNITED STATES OF AMERICA

Defendants.

**JUDGMENT**

7:13-CV-78-BO

**Decision by Court.**

**IT IS ORDERED, ADJUDGED AND DECREED** that pursuant to the court's order [20] dated 12/11/2013 defendants' motion to dismiss [DE 11] is GRANTED. Counts II, III, IV, V, and VI against defendants Pope, Bileth, Barr, Walker, Carroll, and the United States are DISMISSED for want of subject matter jurisdiction and failure to state a claim. Plaintiffs' claim for refund against the United States, Count I, remains. Plaintiffs' motion for entry of default [DE 14] is DENIED.

**ADDITIONALLY** pursuant to the court's order [35] dated 7/22/2014 defendant's motion for protective order is GRANTED IN PART and DENIED IN PART. Interrogatories 7, 8, 10-13, and 16 and document requests 4-6, 8-10, 13, 15, and 16 are forbidden and no further inquiry into these matters is allowed. The Court DOES NOT award of costs and attorney's fees. Plaintiffs' motion for default judgment is DENIED, and plaintiffs' motion for hearing is DENIED AS MOOT.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** plaintiffs' motion for partial summary judgment [DE 66] is DENIED and the government's motion for summary judgment [DE 74] is GRANTED.

This case is closed.

**This judgment filed and entered on July 31, 2015, and served on:**

Lee Perla (via CM/ECF Notice of Electronic Filing)

Lawrence P. Blaskopf (via CM/ECF Notice of Electronic Filing)

Nathan L. Strup (via CM/ECF Notice of Electronic Filing)

Copies of the Order and Judgment were sent via US Mail to:  
Brad R. Johnson and Elci Wijayaningsih (111 SE 14<sup>th</sup> Street, Oak Island, NC, 28465)

JULIE RICHARDS JOHNSTON, CLERK

July 31, 2015

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By: Deputy Clerk